IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO : 24671 of 2004

Between:

D. Ramangineyulu, S/o. Thimmappa, Hindu,
F.P. Shop Permenant Dealer, Mulakanur Via, Kambadur Mandal,
Anantapur District.

.... PETITIONER

AND

The Revenue Divisional Officer, Dharmavaram, Anantapur District.

....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ more particularly issue one in the nature of writ of Mandamus declaring the IN ACTION of the respondent in not completing the enquiry with the Ninety days as illegal, Unjust, arbitrary, and contrary to the judgment of Hon'ble Court in W.P. No. 26711/95 & Batch dated 22-12-1995, and consequently SET ASIDE the order of the respondent passed in RC NO. 2339/04/F, dated 24-9-2004 and pass such other or further orders

Counsel for the Petitioner:KOTHAPALLI RAM MOHAN CHOWDARY

Counsel for the Respondent : GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following :

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ORDER:

The petitioner was appointed as a fair price shop dealer in the year 1997, by the respondent. His authorization was suspended by the respondent through proceedings dated 24-09-2004, on the ground that the petitioner is collecting higher prices for the essential commodities; not supplying the commodities up to the actual entitlement, and that he did not account for 47 quintals of rice, meant for 'food for work programme'. The petitioner submitted his explanation dated 15-10-2004. He stated that he has been distributing the essential commodities since past 8 years, without any complaint. He enclosed the coupons issued by the Mandal Revenue Officer for 47 quintals of rice. He denied the allegation that he is selling the essential commodities at higher rates, or with under weighment. The grievance of the petitioner is that though the explanation was submitted more than three months back, the respondent has not passed any orders so far, and he is put to hardship, on account of the continued suspension.

Heard the learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

The respondent issued an order of suspension-cum-show cause notice, dated 24-09-2004. The authorization of the petitioner was suspended, pending enquiry. The petitioner promptly submitted his explanation. It was obligatory on the part of the respondent to pass appropriate orders, taking the explanation submitted by the petitioner into account. The delay in disposal of the matter would, in a way, indicate

that the purpose of passing the order dated 24-09-2004, was only to suspend the authorization of the petitioner, than to receive and consider the explanation, into the allegations. In **Joint Collector, Kurnool Vs. A.Neelima**, a Division Bench of this Court held that continued suspension of a fair price shop dealer would almost constitute imposition of an independent penalty, without enquiry. It was observed that, unless appropriate orders are passed, on the basis of the show cause notice, within a period of three months, the suspension deserves to be set aside. From the record, it is evident that the delay in disposal of the proceedings by the 1st respondent is attributable, in any way to the petitioner.

For the foregoing reasons, the suspension ordered by the respondent against the petitioner through order dated 24-09-2004, is set aside, and the petitioner shall be entitled to function as fair price shop dealer. This order, however, does not preclude the respondent from passing appropriate orders on the basis of the explanation submitted by the petitioner. There shall be no order as to costs.

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L. NARASIMHA REDDY, J.

Dt.27-01-2005

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To

1) The Revenue Divisional Officer, Dharmavaram, Anantapur District.

2) 2 CCs to G.P for Civil Supplies, High Court Bldgs, Hyd. (OUT)

3) 2 CD copies.